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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,702	03/14/2000	Millind Mittal	042390.P7440	8578

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

PR2

Office Action Summary	Application No.	Applicant(s)	
	09/525,702	MITTAL ET AL.	
	Examiner	Art Unit	
	Andrew L Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 12-16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6, 12-16, and 20 are pending.
2. Amendment submitted 29 March 2004 has been received and entered.

Drawings

3. This application has been filed with informal drawings that are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Response to Arguments

4. Applicant's arguments filed 29 March 2004 with regards to claims 1-6 as rejected by the Mi reference (US Patent No. 6,418,472) have been fully considered but they are not persuasive. Applicant has argued on pages 8 and 9 that Mi fails to teach a microprocessor with embedded instructions for comparing a hash value, derived from the identifier and a key, to an expected hash value. Examiner respectfully disagrees. Mi teaches all of the limitations as disclosed in claim 1. Mi teaches an identifier that identifies a microprocessor (Mi, column 3, lines 42-44) and embedded instructions for comparing a hash value derived from an identifier and a key to an expected hash value (Mi, column 3 lines 17-33, column 3 lines 63-67, column 4 lines 8-20). Applicant's arguments focus on the location of the instructions for performing the hash value generation and hash value comparison. Examiner contends that Mi teaches that the

Art Unit: 2134

instructions may be embedded within a microprocessor. Mi's instructions for comparing a hash value derived from an identifier and a key to an expected hash value are in the form of a comparison and verification agent (Mi, column 3 lines 7-16). Mi teaches that verification and comparison agent may reside on "the device containing the embedded information" (Mi, column 3 lines 17-21). The processor contains the embedded information in the form of a processor number stored in a processor ID register (Mi, column 3 lines 42-50). Thus, Mi teaches a possible embodiment where the instructions for comparing a hash value derived from an identifier and a key to an expected hash value are embedded within a microprocessor.

5. Applicant's arguments, see amendment filed 29 March 2004, with respect to the rejections of claims 12 and 20 as being anticipated by Mi have been fully considered and are persuasive. The rejections of claims 12 and 20 in view of the Mi reference have been withdrawn.

6. Applicant's arguments, see amendment filed 29 March 2004, with respect to the rejections of claims 1-4, 12-14, 16, and 20 as being anticipated by Granger and claims 5, 6, and 15 in view of Granger and Calamera have been fully considered and are persuasive. The rejections based upon Granger and Granger and Calamera have been withdrawn.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2134

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Mi et al US Patent No. 6,418,472. Mi teaches a system for using Internet based caller ID for allowing access to an object.

9. With regards to claims 1, 2, and 4, Mi teaches an identifier that identifies a microprocessor (Mi, column 3, lines 42-44) and embedded instructions for comparing a hash value derived from an identifier and a key to an expected hash value (Mi, column 3 lines 17-33, column 3 lines 63-67, column 4 lines 8-20).

10. With regards to claim 3, Mi teaches the identifier comprising a processor number (Mi, column 3, lines 42-44).

11. With regards to claim 5, Mi teaches the key corresponding to a web site address (Mi, column 7, lines 5-9).

12. With regards to claim 6, Mi teaches the expected hash being derived from a key that corresponds to a web site address and a processor number (Mi, column 7, lines 9-14).

Art Unit: 2134

13. Claims 12-13, 15-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pearce et al US Patent No. 6,243,468. Pearce discloses a software anti-piracy system that adapts to software upgrades.

14. With regards to claims 12 and 20, Pearce teaches the transmitting of a request from an application to a computer system to confirm the identity of the computer system (Pearce, column 6 line 59 – column 7 line 13), the request accompanied by a key and an expected hash value derived from that key and a first identifier for a computer system (Pearce, column 7 lines 1-8), retrieving the second identifier that identifies the computer system (Pearce, column 6 lines 64-67), generating a hash value derived from the second identifier and the key (Pearce, column 7 lines 1-5), and comparing that hash value with the expected hash value (Pearce, column 7 lines 7-8).

15. With regards to claim 13, Pearce teaches the storing of the hash value comparison and the forwarding of the result to the decryption program (Pearce, column 7 lines 5-13).

16. With regards to claim 15, Pearce teaches the key comprising a unique bit string that corresponds to a web site address (Pearce, column 5 lines 52-56).

17. With regards to claim 16, Pearce teaches the returning of a true response if the first and second processor numbers are identical and returning a false response if the first and second processor numbers are not identical (Pearce, column 7 lines 5-13).

Claim Rejections - 35 USC § 103

Art Unit: 2134

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al US Patent No. 6,243,468 in view of Matsumoto EE Times Article "Pentium ID concerns were unfounded, expert says."

20. With regards to claim 14, Pearce, as described above, fails to teach the first and second numbers being processor numbers. Matsumoto teaches the first and second numbers being processor numbers (Matsumoto, Page 1 Paragraph 1). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Matsumoto's method of using processor numbers with Pearce's anti-piracy system because it offers the advantage of ensuring that the identifier number is unique and allowing for the verification of a machine's identity (Matsumoto, Page 1 Paragraph 3, Page 2 Paragraph 6)

Conclusion


21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.


Art Unit: 2134

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven




MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137